

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6829

BILL NUMBER: HB 1565

NOTE PREPARED: Jan 8, 2011

BILL AMENDED:

SUBJECT: Limits on Class C Infraction Judgments.

FIRST AUTHOR: Rep. Mahan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill removes the limits on the amount of a judgment that a person may be required to pay for committing a moving violation constituting a Class C infraction. It also makes conforming amendments.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: This bill could result in an increase in infraction judgement revenues that are deposited into the state General Fund. The maximum judgement for a Class C infraction is \$500. Current law, effective beginning July 1, 2010, limits the judgment to the amounts under the following formula.

Court costs plus a judgment of not more than	If the Person:
\$35.50 admits the violation before the person's court date; admits the violation on the day of the person's court date; or contests the violation in court, is found to have committed the violation, and has not contested and been found to have committed another moving violation in the past 5 years.
\$250.50 contested and was found to have committed one moving violation in the past 5 years.
\$500 contested and was found to have committed two or more moving violations in the past 5 years.

LSA could not determine the average fine assessed under these various circumstances but assumes that courts will assess higher judgments than what current law allows. Consequently, it is likely that an indeterminable amount of new revenue would be generated for the state General Fund.

There are an estimated 130 violations of the motor vehicle laws for which the penalty is a Class C infraction and for which citations are tracked at the BMV. In 2008, it is estimated that there were 833,057 people cited for one of these violations, and of those, 775,295 pled or were found guilty.

Court Costs: A court fee of \$70 may be assessed if a violation is entered, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. This would remain unchanged.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *BMV Citation Report.*

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